

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KOHEN DIALLO E. UHURU,  
Plaintiff,  
v.  
DANIEL E. CUEVAS, et al.,  
Defendants.

No. 2:23-cv-1380 TLN DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that defendants violated his right to be free of cruel and unusual punishment in violation of the Eighth Amendment.

On August 28, 2023, the undersigned recommended that plaintiff's motion to proceed in forma pauperis be denied because plaintiff accrued three strikes prior to filing the complaint in this action. (ECF No. 8.) The undersigned further determined that the allegations in the complaint were not sufficient to meet the imminent danger exception set forth in 28 U.S.C. § 1915(g). (*Id.* at 3-5.) On September 22, 2023, the district court adopted the recommendations in full and ordered plaintiff to pay the \$402 filing fee within thirty days.

Thereafter, plaintiff filed a document captioned "Motion for Reconsideration" of the district court's September 22, 2023 order. (ECF No. 12.) The undersigned has reviewed the

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document and determined that the relief sought by plaintiff is more appropriately construed as a motion for extension of time to pay the filing fee.

Plaintiff has also filed a motion requesting a ninety-day extension of time to pay the filing fee. (ECF No. 13.) In support of the motion, he argues the court should grant the motion because he has suffered from several illnesses and there has been a death in his family. (Id. at 1.) He also alleges that he is waiting for a tax refund check from the IRS and the extension of time will allow him to pay the filing fee. Plaintiff has attached correspondence from the IRS dated August 2, 2023, to the motion. (Id. at 6-10.)

Good cause appearing, the undersigned will grant the motion. However, plaintiff is advised that absent extraordinary circumstances no further extensions of time will be granted.

IT IS HEREBY ORDERED that:

1. Plaintiff's motion for reconsideration (ECF No. 12) is construed as a motion for an extension of time and granted;
2. Plaintiff's motion for an extension of time (ECF No. 13) is granted; and
3. Plaintiff shall pay the filing fee on or before March 22, 2024.

Dated: January 3, 2024

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DB:12

DB/DB Prisoner Inbox/Civil Rights/R/uhur1380.eot(fee)